

ADOPTED TEXT

§3704.1 Performance Standards for Backfilling Excavations and Recontouring Lands Disturbed by Open Pit Surface Mining Operations for Metallic Minerals

Without exception, the backfilling of excavations and the recontouring of lands disturbed by open pit surface mining operations for metallic minerals shall conform to the following provisions:

(a) An open pit excavation created by surface mining activities for the production of metallic minerals shall be backfilled to the original surface elevation. Materials used for backfill shall be classified as Group A, Group B, or Group C mine wastes in accordance with discharge of waste to land regulations contained in Title 27, California Code of Regulations, Section 22480. Group A and Group B mine wastes that potentially pose a threat to water quality shall be handled and monitored in accordance with Title 27, California Code of Regulations, Sections 22490 and 22500 and the applicable Regional Water Quality Control Board's Water Quality Control Plan. All of the provisions of Title 27, California Code of Regulations, Chapter 7, Subchapter 1 Mining Waste Management, commencing with Section 22470 shall also apply.

(b) All materials remaining in overburden piles, waste rock piles, and processed or leached ore piles not used in the backfilling process shall be graded and contoured to achieve the approximate original contours of the mined lands prior to mining activities.

(c) Backfilling and recontouring activities shall be performed to the engineering and geologic standards required for the actual end use of the site as approved in the reclamation plan. Backfilling will be engineered to assure that there is no adverse impact to groundwater quality, and to prevent the incidental ponding of surface water runoff because of the settling of backfilled material.

(d) The requirements of subsections (a), (b), and (c) notwithstanding, no final reclaimed fill slopes shall exceed 2:1 (horizontal:vertical), nor shall the resultant topography exceed the pre-mining surface contour elevations by more than 25 feet. Final fill slopes shall have a minimum slope stability factor of safety that is suitable for the proposed end

use. Final slopes must be capable of being revegetated and blend in visually with the local topography.

(e) Notwithstanding the provisions of Section 3700(b) of this Article, no reclamation plan or financial assurance for a surface mining operation subject to the provisions of this section shall be approved by a lead agency unless the reclamation plan meets the provisions of this section. Financial assurances must be maintained in an amount sufficient to provide for the backfilling and contour grading of the mine site as required in subsections (a), (b), (c), and (d) of this section.

(f) For the purposes of this section, a metallic mine is defined as one where more than two percent of the mining operation's gross revenues are derived from the production of, or any combination of, the following metallic minerals by the open pit extraction method:

- Precious metals (gold, silver, platinum);
- Iron
- Ferro-alloy metals (tungsten, chromium, manganese);
- Mercury;
- Uranium and thorium;
- Minor metals including rubidium, strontium, and cesium;
- Niobium and tantalum;

(g) For the purposes of this regulation, an open pit mine is the same as an open pit quarry, opencast mine, or opencut mine, and is defined as a mine working or excavation that is open to the surface and in which the opening is the full size of the excavation.

(h) This regulation does not apply to any surface mining operation as defined in Public Resources Code Section 2735(a) and (b) for which the lead agency has issued final approval of a reclamation plan and a financial assurance prior to December 18, 2002.

NOTE: Authority cited: Sections 2755 and 2756 Public Resources Code; Reference, Sections 2733, 2772, and 2773, Public Resources Code.